IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)		
	Plaintiff,) 8:09MJ49)		
	vs.) DETENTION ORDER		
ΜI	CHAEL DAVIS,			
	Defendant.	}		
A.	Order For Detention After waiving a detention hearing pursuant Act on March 3, 2009, the Court orders the ato 18 U.S.C. § 3142(e) and (i).			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	distribute methamphetam carries a minimum sent maximum of forty years i (b) The offense is a crime of (c) The offense involves a n	and includes the following: e offense charged: y to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § 846 tence of five years imprisonment and a mprisonment. i violence.		
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. X The defendant h The defendant court proceeding (b) At the time of the current Probation	appears to have a mental condition which her the defendant will appear. The sas no family ties in the area. The sas no steady employment. The sas no substantial financial resources. The short a long time resident of the community. The same a history relating to drug abuse. The sas a history relating to alcohol abuse. The sas a significant prior criminal record. The same areas a prior record of failure to appear at		

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		ser	lease pending trial, sentence, appeal or completion of name.
	(c)		e defendant is an illegal alien and is subject to
			portation. e defendant is a legal alien and will be subject to
		de	portation if convicted.
		(BI	e Bureau of Immigration and Custom Enforcement CE) has placed a detainer with the U.S. Marshal. ner:
<u>X</u>	relea defer	se are as fol	seriousness of the danger posed by the defendant's lows: The nature of the charges in the Complaint, the lal history, and the defendant's current status with the (BOP).
X	(5) Reb u	uttable Presu	imptions .
	In de on th	termining that e following reb	the defendant should be detained, the Court also relied outtable presumption(s) contained in 18 U.S.C. § 3142(e) and the defendant has not rebutted:
_			ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
		of any other the crime in	person and the community because the Court finds that
			A crime of violence; or
			An offense for which the maximum penalty is life
		, ,	imprisonment or death; or
		<u>X</u> (3)	A controlled substance violation which has a maximum
		(4)	penalty of 10 years or more; or A felony after the defendant had been convicted of two
		(4)	or more prior offenses described in (1) through (3)
			above, and the defendant has a prior conviction for one
			of the crimes mentioned in (1) through (3) above which
			is less than five years old and which was committed
	V /h	\ That ha a	while the defendant was on pretrial release.
•	<u>X</u> (b)		ondition or combination of conditions will reasonably appearance of the defendant as required and the safety
			munity because the Court finds that there is probable
		cause to be	
		<u>X</u> (1)	That the defendant has committed a controlled
			substance violation which has a maximum penalty of
		(2)	10 years or more. That the defendant has committed an offense under 18
		(2)	U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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2. The defendant be afforded reasonable opportunity for private consultation with counsel; and

3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 4, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge